

RemarksThe Invention

As regards claims 1-6, the present invention relates to a hunter's ladder stand with the side rails camouflaged with stalks of artificial vegetation such that the ladder stand blends into the natural background. For this purpose, the side rails are concealed within a split hollow plastic tube having holes opposite the split into which the stalks of the artificial vegetation are inserted. The holes occupy about half the circumference of the tube opposite the split such that the stalks of vegetation do not interfere with using the rungs of the ladder.

The Office Action

Applicant's claims 7-10 were allowed. Amended claims 1-6 are directed to a hunter's ladder stand with side rails to which a split hollow plastic tube with stalks of artificial vegetation has been attached as camouflage.

Applicant's original claims 1-6 were directed to the hollow plastic tube with stalks of artificial vegetation. Claims 1, 2, 4 and 5 were rejected as obvious over U.S. patent No. 5,130,496 to Jenkins in view of US2003/0124270 A1 to Porter. Claims 3 and 6 were rejected as obvious over Jenkins in view of Porter, further in view of U.S. patent No. 5,733,612 to Garry and U.S. patent No. 6,004,635 to Li.

It is believed that these rejections under Section 103(a) do not apply to the amended claims which are directed to a hunter's ladder stand that has been camouflaged.

Jenkins

Jenkins was cited as showing "a hollow plastic tube having a longitudinal split with a plurality of stalks of vegetation attached to the tube." In Jenkins' construction the longitudinal split is closed with a latching member 19 shown in detail in Fig. 2. For Jenkins' purpose, it is important that the electric cord is sealed inside the tube so that it cannot be seen. For applicant's purpose, the split is open such that the tubing may pass by the steps of the ladder. To modify Jenkins such that the split is open is not motivated because it would defeat Jenkins' purpose of concealment.

There is no teaching, suggestion, or incentive to apply Jenkins' electric cord cover to anything other than electric cords for interior decorating purposes.

Porter

Porter was cited as showing "that it is well known in the artificial vegetation art to attach vegetation to substrates by providing holes in the substrate and inserting the vegetation into the holes." Porter shows several ways to attach vegetation to a shaft body 16. The shaft body is arrow shaped and adapted to be held in a quiver 8 on an archery bow as shown in Fig. 5. Shaft body 16 is rigid and

may be hollow or solid core. It is not split and is not designed to clip around the part being camouflaged. For applicant's purpose, the tubing is split such that it is disposed around the side rails of the ladder.

In Porter, the shaft bodies are attached to the outside of the part being concealed. There is no teaching, suggestion, or incentive to split the shaft body and apply it as a partial cover to the side rails of a ladder stand.

Garry and Li

Garry and Li were cited as showing "the use of barbs on the ends of artificial vegetation to prevent removal of the stalks from substances to which they are attached." The mere fact that the prior art shows barbs is not instructive as to how to make a hunter's ladder stand blend into the natural background. Garry and Li relate to the construction of artificial flower arrangements.

Summary

None of the references show a hunter's ladder stand and there is no teaching, suggestion or incentive in the prior art to either modify or combine the teachings of the prior art in a manner that one skilled in the art would arrive at a hunter's stand camouflaged in the manner of applicant's amended claims 1-6. In view of the above amendments and remarks, it is therefore believed that all of the claims

are in condition for allowance. Reconsideration of the application and allowance of the claims are respectfully requested.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office at (571) 273-8300 on January 20, 2006.


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